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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,322	08/19/1999	JEFFREY P. BEZOS	AMAZON.012A2	7649

20995 7590 07/03/2002

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EXAMINER

HAQ, NAEEM U

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,322

Applicant(s)

BEZOS ET AL.

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

R sponse to Amendment

The examiner rejected claims 1-24 in an Office Action (paper number 6) dated February 25, 2002. In a telephone interview on April 15, 2002, the examiner and the applicant's attorney discussed distinctions between the application and the references cited in the rejection.

In an amendment filed on April 16, 2002, the applicant's attorney amended claims 1, 5, 12, 13, and 18. In addition, the applicant's attorney entered new claims 25-55.

Claims 1-55 are pending and they will be considered for examination.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 13, 18, 36, 45, and 53 are provisionally rejected under the judicially created doctrine of double patenting over claims 1, 12, 26, 32, and 43 of copending Application No. 09/377,447. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter. Both applications are obvious extensions of collaborative filtering to identify a community of users as follows: Both applications direct claims to relating users to one or more subsets of a general population, tracking and storing actions, including purchases, concerning items, analyzing item history, according to actions of one or more subsets of users, to determine popularity (or other aspects) of item(s), comparing item popularity (or other aspects) within or outside subset(s) of users, notifying users concerning (within or outside) item popularity (or other aspect).

One of ordinary skill in the art at the time the invention was made would have been motivated to include purchasing, browsing, and other types of actions for users, and to analyze historical data for making recommendations to users within and outside identified subsets for the obvious reasons that such statistical market analysis allows for

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targeted marketing, thereby increasing profits for a seller and providing benefits to a buyer.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-24, and 45-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 18, it is unclear to the examiner how this method is implemented, or who is performing the “identifying” and “notifying” steps recited in the claim.

Claim 20 recites the limitation “the implicit membership community” in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. There is no mention of an “implicit membership community” in claim 18. Applicant should consider making claim 20 dependent on claim 19 and not on claim 18.

Referring to claims 45 and 53, it is unclear to the examiner how this method is implemented, or who is performing the “maintaining”, “monitoring”, “detecting”, and “supplementing” steps recited in the claim.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 21, 23, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Information Week, “Just Add People – Collaborative filtering brings human input to information retrieval in the enterprise.”

Referring to claim 18, Information Week teaches a method of assisting a first user in evaluating a merchant, comprising:

- identifying a community associated with the first user (page 2, paragraphs 4, 5), please note that the “specific group of people” represents the community associated with the first user;
- identifying a second user that is a member of the community and that has engaged in business with the merchant (pages 2, paragraphs 1, 4, 5);
- electronically notifying the first user of the contact information of the second user to allow the first user to communicate with second user about the merchant, wherein electronically notifying the first user comprises personalizing a web page requested by the first user during a browsing session (page 2, paragraphs 4,5).

Referring to claim 21, teaches a method of collaborative filtering which creates user profiles (page 2, paragraphs 2, 3). Therefore, a data structure for mapping merchants to users that have engaged in business with the merchants is inherent in the method of Information Week since the user profiles require a data structure in order to be stored and retrieved from a computer system.

Referring to claim 23, Information Week teaches that the Web site is an exchange site, and that the first user is electronically notified of the second user in response to an action performed by the first user while browsing the site (page 2, paragraphs 1, 4, 5).

Referring to claims 33 and 34, Information Week teaches, “...users submit a specific group of people and generate a list of recommendations based on their collective

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preferences.” (page 2, paragraph 4). Please note, that this would constitute both an explicit membership community and a private community.

Claim Rejections - 35 USC § 103

Claims 1-8, 12-17, 25, 28, 36, 39-41, 45-47, and 53-55 are rejected under 35 U.S.C. 103(a) as being obvious over Bieganski (US Patent 6,321,221 B1) in view of Chislenko et al (US Patent 6,041,311), and further in view of Jacobi et al (US Patent 6,064,980).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned

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by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Referring to claims 1, 13, 36, 45, 53 and 54, Bieganski teaches a method and system of assisting users in evaluating items of an electronic catalog of items, the catalog accessible to users of an online store that provides services for allowing users to purchase items from the catalog (column 5, lines 44-54; column 6, lines 38-47, lines 66-67; column 7, lines 1-10, column 16, lines 38-49, lines 62-67; column 17, lines 1-12), the method comprising the computer-implemented steps of:

- identifying an item to be displayed to a first user (column 8, lines 10-24);
- identifying a second user that both (a) has purchased the item and (b) is a member of a neighborhood (community) associated with the first user, said neighborhood (community) representing a subset of a general user population (column 1, lines 46-62; column 6, line 38-47, lines 66-67; column 7, lines 1-50);
- a data structure which maps items to users that have purchased the items (column 7, lines 1-11), please note that the profile is a data structure.

Bieganski does not teach electronically notifying the first user that the item has been purchased by the second user, and providing contact information of the second user to the first user to allow the first user to communicate with the second user about the item. However, Chislenko also teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the contact information of the second user is given to the first user (column 21, lines 11-26). Therefore it would have been obvious to one

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of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method and system of Bieganski. One of ordinary skill in the art would have been motivated to do so in order allow the first user to communicate with the second user as taught by Chislenko.

Referring to claim 2, Bieganski and Chislenko teach the limitations of claim 1 as noted above. Bieganski also teaches identifying a neighborhood (community) of which the first user is a member, and determining whether another member of the neighborhood (community) has purchased the item (column 6, lines 66-67; column 7, lines 1-50).

Referring to claim 3, Bieganski and Chislenko teach the limitations of claim 1 as noted above. Bieganski also teaches identifying a neighborhood (community) of which the first user is a member, and identifying an item that is popular within the neighborhood (community) (column 7, lines 1-50; column 8, lines 55-67; column 9, lines 1-21).

Referring to claim 4, Bieganski teaches using collaborative filtering to form a neighborhood (community) of users (column 6, lines 66-67; column 7, lines 1-50). Bieganski also teaches identifying a popular item within a community of general users (column 8, lines 55-67; column 9, lines 1-21). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the method of Bieganski to determine a popular item within the community of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to provide a

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statistically better recommendation to a user, which is the goal of any recommendation system.

Referring to claim 5, Bieganski and Chislenko teach the limitations of claim 1 as noted above. Bieganski and Chisleko do not explicitly teach supplementing a product detail page requested by the first user during online browsing of the electronic catalog. However, Jacobi teaches a method and system of using collaborative filtering to make personalized recommendations to a user that is implemented on the web site of Amazon.com (column 4, lines 1-35). Please note, that it is well known in the art for Amazon.com to provide product detail pages of its online catalog. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a product detail page, during online browsing of an electronic catalog by user, into the method and system Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to provide the user with a graphically enriched, aesthetically pleasing visual display.

Referring to claim 6, Bieganski and Chislenko teach the limitations of claim 1 as noted above. Bieganski and Chislenko do not directly speak of sending the first user an email message which contains the contact information of a second user and a description of the product. However, Chislenko does teach facilitating and encouraging the first user to contact the second user (column 21, lines 15-26). In addition, it is well known in the art to send a user an email message with contact and product information. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an email message into the method and system of

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Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to remind the first user of a product that the first user considered purchasing, or to remind the first user of contact information of a second user that the first user considered contacting.

Referring to claim 7, Jacobi teaches a data structure which maps items to users that purchased the items (column 4, lines 47-50). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Jacobi into the method and system of Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to easily retrieve the users' data on a computer system.

Referring to claim 8, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the method and system of Bieganski. Doing so would enable a second user to interact with the first user without having to reveal his / her identity.

Referring to claim 12, Bieganski and Chislenko teach all the limitations of claim 1 as noted above. In addition, Chislenko teaches a method of presenting the first user an option to chat online with the second user (column 21, lines 11-17). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the online chat room of Chislenko into the method and system of

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Bieganski. One of ordinary skill in the art would have been motivated to do so in order to enable the first user to converse with the second user online.

Referring to claim 14, Bieganski teaches that a data structure maps items to users that purchased the items for each of a plurality of communities, and the process uses the data structure to locate a fellow community member that purchased the item (column 7, lines 1-50).

Referring to claim 15, Bieganski and Chislenko do not teach that the data structure contains the contact information of users. However, Jacobi teaches a data structure that contains contact information of users (column 4, lines 47-50). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the contact information of Jacobi into the profile data structure of Bieganski. One of ordinary skill in the art would have been motivated to do so in order maintain a complete record of the user.

Referring to claim 16, Bieganski and Chislenko teach all the limitations of claim 13 as noted above. In addition, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the system of Bieganski. Doing so would enable two users to interact without having to reveal their identity.

Referring to claims 17, 41, 46, 47, and 55 Bieganski and Chislenko teach all the limitations of claims 13, 36, 45, and 53 as noted above. Furthermore, Chislenko teaches an option for the first user to chat online with the second user (column 21, lines

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15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate online chat features as taught by Chislenko into the system of Bieganski. One of ordinary skill in the art would have been motivated to do so in order to provide the users of an online store with a more personalized environment by allowing the users to interact with other people of similar interests and tastes.

Referring to claim 25, Bieganski teaches that his method is performed during online browsing of an electronic catalog by the first user (column 16, lines 38-49, lines 62-67; column 17, lines 1-12).

Referring to claim 28, 39, and 40, Bieganski teaches displaying a web page of recommendations to a user (column 17, lines 1-6). Bieganski does not teach displaying contact information of the second user. However, Chislenko teaches a method of using collaborative filtering to make personalized recommendations to users online (column 2, lines 5-10; column 3, lines 7-14; column 20, lines 40-67) wherein the contact information of the second user is given to the first user (column 21, lines 11-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the contact information of Chislenko into the web page of Bieganski. One of ordinary skill in the art would have been motivated to do so in order allow the first user to communicate with the second user as taught by Chislenko.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski and Chislenko as applied to claim 1 above, and further in view of de Hond (US Patent 5,796,395). Bieganski and Chislenko teach all the limitations of claim 1 as noted

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above. Bieganski and Chislenko do not teach presenting to users of the store at least one option screen which permits users to authorize release of contact information to other users on at least one of (a) a user-by-user basis, and (b) a community-by-community basis. de Hond teaches a method of presenting users with an option screen which permits users to release contact information to other users on a user-by-user basis (Figure 16, column 12, lines 56-59). The examiner notes that a private chat room enables a user to release any sort of personal information to only those who the user allows into the private room. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of de Hond into the method of Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to enable the user to have a more personal relationship with a second user.

Claims 10, 11, 30, 43, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski and Chislenko as applied to claims 1, 36, and 45 above, and further in view of Robinson (US Patent 5,918,014).

Referring to claims 10, 30, 43, and 49, Bieganski and Chislenko teach all the limitations of claims 1, 13, 36, and 45 as noted above. Bieganski and Chislenko do not teach an implicit membership community. However, Robinson teaches a method and system of collaborative filtering which uses cookies to determine a user's implicit membership community (column 2, lines 13-22, lines 31-34, lines 48-52, lines 57-61). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Robinson into the method of

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Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to alleviate the user of the burden of having to create a profile by answering a series of questions.

Referring to claim 11, Bieganski, Chislenko, and Robinson teach all the limitations of claim 10 as noted above. Bieganski, Chislenko, and Robinson do not teach that the implicit membership community is based on email addresses of users. However, Robinson teaches that cookies are stored on the users' computers (column 2, lines 48-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the cookies of Robinson in the method of Bieganski and Chislenko to obtain the email addresses of users. One of ordinary skill in the art would have been motivated to do so in order to base the users' communities on a piece of data that did not change often.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Information Week in view of Robinson (US Patent 5,918,014).

Referring to claim 19, Information Week teaches all the limitations of claim 18 as noted above. Information Week does not teach that the community is an implicit membership community. However, Robinson teaches a collaborative filtering method which uses cookies to determine a user's implicit membership community (column 2, lines 13-22, lines 31-34, lines 48-52, lines 57-61). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Robinson into the method of Information Week. One of

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ordinary skill in the art would have been motivated to do so in order to alleviate the user from the burden of having to create a profile by answering a series of questions.

Referring to claim 20, Information Week and Robinson do not teach that the implicit membership community is based on email addresses of users. However, Robinson teaches that cookies are stored on the users' computers (column 2, lines 48-52).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the cookies of Robinson in the method of Information Week to obtain the email addresses of users. One of ordinary skill in the art would have been motivated to do so in order to base the users' communities on a piece of data that did not change often.

Claim 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Information Week in view of Chislenko et al (US Patent 6,041,311).

Referring to claim 22, Information Week does not teach that the contact information includes an email alias for permitting anonymous communications. However, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the method of Information Week. Doing so would enable two users to interact without having to reveal their identity.

Referring to claim 24, Information Week does not teach presenting the first user an option to chat online with the second user. However, Chislenko teaches an option for the first user to chat online with the second user (column 21, lines 15-26). Therefore it

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would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the online chat features of Chislenko into the method of Information Week. One of ordinary skill in the art would have been motivated to do so in order to provide the users of an online store with a more personalized environment by allowing the users to interact with other people of similar interests and tastes.

Claim 26, 27, 29, 31, 32, 35, 37, 38, 42, 44, 48, and 50-52 are rejected under 35 U.S.C. 103(a) as being obvious over Bieganski and Chislenko as applied to claims 1, 13, 36, and 45 above, and further in view Information Week, “Just Add People – Collaborative filtering brings human input to information retrieval in the enterprise.” Bieganski and Chislenko teach all the limitations of claims 1, 13, and 36 as noted above. Bieganski and Chislenko do not teach that the community is a private community, an explicit community, consists of a set of contacts of the first user, or consists of users listed in an electronic address book of the first user. However, Information Week teaches a method and system of collaborative filtering for making recommendations wherein the user submits a specific group of people (private / explicit community) for the recommendations to be based on (page 2, paragraph 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have a user submit a specific group of people from his or her email address book, or from anywhere else, for the purpose of receiving a recommendation in the method and system of Bieganski and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to base a user’s recommendations on a group of people the user corresponded or interacted with regularly.

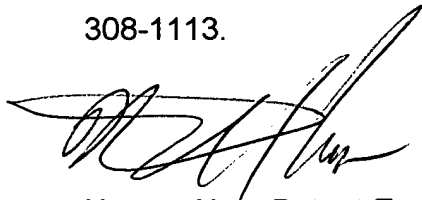
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703)-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7687 for regular communications and (703)-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.



Naeem Haq, Patent Examiner
Art Unit 3625

June 27, 2002



WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600